

Appln. No. 10/783,587
Filing Date: February 20, 2004
Reply to Office action mailed October 16, 2008
Amendment dated March 16, 2009

REMARKS

Claims 22-121 are pending in the Application and all have been rejected in the Office action mailed October 16, 2008. No claims are amended by this response. Claims 22, 38, 58, 65, 82, and 102 are independent claims, from which claims 23-37, 39-57, 59-64, 66-81, 83-101, and 103-121 depend, respectively.

The Applicants note that a goal of patent examination is to provide a prompt and complete examination of a patent application.

It is essential that patent applicants obtain a prompt yet complete examination of their applications. Under the principles of compact prosecution, each claim should be reviewed for compliance with every statutory requirement for patentability in the initial review of the application, even if one or more claims are found to be deficient with respect to some statutory requirement. Thus, USPTO personnel should state all reasons and bases for rejecting claims in the first Office action. Deficiencies should be explained clearly, particularly when they serve as a basis for a rejection. Whenever practicable, USPTO personnel should indicate how rejections may be overcome and how problems may be resolved. A failure to follow this approach can lead to unnecessary delays in the prosecution of the application.

M.P.E.P. §2106(II) (emphasis added).

As such, the Applicants assume, based on the goals of patent examination noted above, that the current Office Action sets forth “all reasons and bases” for rejecting the claims.

Applicants respectfully note that this response does not amend any claims, and therefore does not raise new issues that would necessitate a new search.

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Rejections of Claims

Claims 22, 23, 25-31, 38, 39, 41-50, 61-66, 68-74, 81-83, 85-94, 102, 103, and 105-114 were rejected under 35 U.S.C. §103(a) as being unpatentable over Norman, et al. (US 5,737,328, hereinafter “Norman”) in view of Chu, et al. (US 5,890,055, hereinafter “Chu”). Claims 24, 34-37, 40, 53-57, 59, 60, 67, 77-79, 84, 97-101, 104, and 117-121 were rejected under 35 U.S.C. §103(a) as being unpatentable over Norman in view of Chu, and further in view of Wadin (US 5,491,739). Claims 32, 33, 37, 51, 52, 58, 75, 76, 80, 95, 96, 115, and 116 were rejected under 35 U.S.C. §103(a) over Norman in view of Chu and Spiegel (US 5,649,108). Applicants respectfully traverse the rejections. Applicants respectfully note that all of the claims in the Application are rejected for alleged reasons of obviousness.

Applicants respectfully submit that the Office action has failed to establish a *prima facie* case of obviousness, in accordance with M.P.E.P. §2142. According to M.P.E.P. §2142, “[t]he examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness.” M.P.E.P. §2142 further states that “[t]he key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious.” As recognized in M.P.E.P. §2142, “[t]he Supreme Court in *KSR International Co. v. Teleflex Inc.*, 127 S. Ct. 1727 (2007), 82 USPQ2d 1385, 1396 noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit.” In addition, the Federal Circuit has made clear that “rejections on obviousness cannot be sustained with mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006). See also *KSR*, 127 S. Ct. 1727 (2007), 82 USPQ2d at 1396.

M.P.E.P. §2142 also makes it clear that to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.

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In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). “All words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

Further, M.P.E.P. §2142 clearly states that “[t]he examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness...”, and that if the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness.

Applicants respectfully submit that the Office has not established a *prima facie* case of obviousness, for at least the reasons set forth below.

I. The Proposed Combination Of Norman And Chu Does Not Render Claims 22, 23, 25-31, 38, 39, 41-50, 61-66, 68-74, 81-83, 85-94, 102, 103, And 105-114 Unpatentable

Claims 22, 23, 25-31, 38, 39, 41-50, 61-66, 68-74, 81-83, 85-94, 102, 103, and 105-114 were rejected under 35 U.S.C. §103(a) as being unpatentable over Norman in view of Chu.

With regard to independent claim 22, Applicants respectfully submit that claim 22 recites “[a] method of operating a communication system, the method comprising: sending via a communication link a message requesting routing of a call; receiving via the communication link a message comprising call routing information; selecting a call route based upon the call routing information; and transmitting via the communication link a message requesting setup of the call using the selected call route.” Applicants respectfully submit that the cited art does not teach or suggest all of the features of Applicants’ claim 22.

As an initial matter, Applicants respectfully note that Normal relates to “...network communication systems in which misrouted information packets are automatically

rerouted to the mobile communication units regardless of their changing locations.” (emphasis added) *Id.* at col. 1, lines 11-14. Notably, Norman fails to make any mention of routing of calls. Further, Applicants respectfully submit that Chu relates to “...a method and a system for connecting cells and microcells in a wireless communications network.” *Id.* at col. 1, line 7-9. Again, as in Norman, a review of Chu reveals that Chu also fails to make any mention of routing of calls. Applicants respectfully submit that the failure of both Norman **and** Chu to even mention the routing of calls means that, by definition, the combination of Norman and Chu cannot teach or suggest the routing of calls. Accordingly, Applicants respectfully submit that the proposed combination of Norman and Chu cannot teach or suggest Applicants’ claim 22, which recites, *inter alia*, “requesting routing of a call”, “a message comprising call routing information”, “selecting a call route based upon the call routing information”, and “requesting setup of the call using the selected call route”. Therefore, for at least this reason alone, Applicants respectfully submit the Office has not established a *prima facie* case of obviousness with regard to Applicants’ claim 22, or any claims that recite these features, and that claim 22, and any claims that depend therefrom, are allowable over Norman and Chu.

With regard to Applicants’ claim 22 feature “...sending via a communication link a message requesting routing of a call;...” the Office states, at page 2, that Norman teaches “...sending via a communication link a message;...,” citing only Norman and only “element 122” of Fig. 10. Applicants respectfully disagree. Norman states that Fig. 10 is “... a flowchart suitable for programming the operation of an access point in order to register a mobile unit in accordance with the present invention;....” *Id.* at col. 5, lines 59-61. (emphasis added) Applicants respectfully submit that “element 122” of Fig. 10 is merely a flowchart decision symbol containing the question ‘RECEIVE “FIND ROUTER” PACKET?’. (emphasis added) The Office does not explain how this cited illustrative portion of Norman teaches “...sending via a communication link a message;...,” as asserted by the Office. Applicants respectfully submit that a test to determine whether

packet has been received does not teach sending a message, as the Office seems to be suggesting. Applicants respectfully submit that the Office may be perceived to be asserting inherency, without explicitly stating the assertion. To the extent that the Office is asserting inherency, Applicants respectfully submit that the Office has not met the requirements for an assertion of inherency, as set forth in M.P.E.P. §2112.

According to MPEP §2112, Sec. IV, “[t]o establish inherency, the extrinsic evidence ‘must make clear that the missing descriptive matter is **necessarily** present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing **may** result from a given set of circumstances **is not sufficient.**’” (emphasis added) M.P.E.P. §2112 also states that “[i]n relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art.’ Ex parte Levy, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990).” M.P.E.P. §2112 (emphasis in original). Applicants respectfully submit that the Office has not provided the required basis in fact and/or technical reasoning to support a finding of inherency, as required by M.P.E.P. §2112.

Further, Applicants’ claim recites, in part, “sending via a communication link a message requesting routing of a call; receiving via the communication link a message comprising call routing information; selecting a call route based upon the call routing information; and transmitting via the communication link a message requesting setup of the call using the selected call route.” Applicants respectfully note that the same communication link is used in the “sending”, “receiving” and “transmitting”. The Office has failed to specifically identify the teaching of Norman that corresponds to the “communication link” of Applicants’ claim, and over which Norman purportedly teaches such communication of messages. In addition, the Office does not assert that Chu teaches these aspects of Applicants’ claim 22. Therefore, the Office has failed to show

where Norman and Chu teach at least this additional aspect of Applicants' claim 22, and that claim 22 is allowable for at least this additional reason.

The Applicants appreciate recognition by the Office that Norman does not disclose "...a communication link where a message requests routing of a call; selecting a call route; or requesting setup of the call...." (emphasis in original) *Id.* at page 3. However, the Office then cites Chu at page 4, line 5 which states, in part:

Base station 110 may be comprised of hardware and software components that perform call setup and switching functions for calls originated from, or destined for wireless end-user devices 10, 11, 12, 14, 50 and 51. The call setup and switching functions of base station 110 include allocation and administration of radio channels for active wireless end-user devices, tearing down a connection at the end of a call, coordination of call hand-offs from one microcell site to another.

The cited portion of Chu simply mentions "call setup and switching functions" of a "base station" that may include "allocation and administration of radio channels for active wireless end-user devices", "tearing down a connection at the end of a call", and "coordination of call hand-offs from one microcell to another". Applicants respectfully submit that there is no mention of the "base station 110" performing "call routing" or "selecting a call route", or of any element "requesting routing of a call". The Office fails to explain how "allocation and administration of radio channels", "tearing down a connection at the end of a call", and "coordination of call hand-offs" teaches or suggests "call routing". Applicants respectfully submit that "call routing" is very different from these identified teachings of Chu, and that neither the cited portion, nor any text or figure of Chu teaches or suggests that "base station 110", or any other element, performs "call routing" in accordance with Applicants' claim 22. Applicants respectfully submit that neither the statements by the Office, nor any portion of Chu teaches a "base station" routing calls, let alone "[sending via a communication link a message] requesting routing of a call", "selecting a call route [based upon the call routing

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information]”, or “requesting setup of a call [based upon the call routing information]” as asserted by the Office. Further, the Office has not provided any interpretation of Chu to explain how and why Chu discloses these aspects of Applicants’ claims, as required by M.P.E.P. §2142. In view of the absence of explicit recitation of these features in either the cited portion of Chu shown above, or any other text or figure of Chu, Applicants might perceive that the Office is implicitly asserting that these features are inherent in the cited portion of Chu. Applicants respectfully submit that, to the extent that the Office is asserting inherency, the Office has not met the requirements of M.P.E.P. §2112 in providing the required support for such an assertion. Based at least upon the above, Applicants respectfully submit that Chu does not remedy the admitted and identified shortcomings of Norman.

Therefore, Applicants respectfully submit that the Office has not shown that “element 122” of Fig. 10 of Norman teaches “...sending via a communication link a message;...,” in accordance with claim 22, as asserted by the Office, that the Office has not asserted that Chu teaches the deficiencies of Norman identified above and, therefore, that the Office has failed to show where the proposed combination of references teaches at least these aspects of Applicants’ claim 22.

In addition, the Office asserts that Norman teaches Applicants’ claim feature “...receiving via the communication link a message comprising call routing information;....” See Office action at page 2. Applicants respectfully disagree, and note that the Office identifies only Norman and only at col. 16, line 61 to col. 17, line 7, in regard to this aspect of Applicants’ claim 22. Applicants now address Norman at col. 16, lines 61 to col. 17, line 7, which is shown below, underlined in context:

Turning now to FIG. 10, the registration procedure from the perspective of each of the access points 42 will now be described beginning with step 120. The registration routine is executed by the processor 56 in the access point. In step 122, the processor 56 determines whether a "find

router" packet has been received via the RF section 60 from a mobile unit as discussed above in connection with step 102 in FIG. 9. If not, the processor 56 executes a loop around step 122 until such time as a "find router" packet is received. When a "find router" packet is received in step 122, the processor 56 proceeds to step 124 whereby the access point 42 transmits a "router identification" via the RF section 50 as discussed above in connection with steps 104 and 106 in FIG. 9. The mobile unit MU will then send a registration request if it wishes to register with that particular access point 42. The processor 56 determines in step 126 whether it has received a registration request.

(emphasis added)

The cited portion of Norman shown above describes a "registration procedure" as illustrated in Fig. 10 of Norman in which an "access point" determines whether a "find router" packet has been received from a "mobile unit". If a "find router" packet has not been received, the "access points" simply keeps checking until a "find router" packet is received. If a "find router" packet is received, the "access point" transmits a "router identification" packet. The "mobile unit" then sends a "registration request" if it wishes to register with the "access point". Applicants respectfully submit that the Office seems to suggest that the portion of Norman that states "...In step 122, the processor 56 determines whether a "find router" packet has been received via the RF section 60..." teaches Applicants' "...receiving via the communication link a message comprising routing information...." Applicants respectfully submit that Norman explains at column 15, lines 46-50, "...the "find router" packet includes information indicating to any access points which are within receiving range of the broadcast that the particular mobile unit is seeking to register with an access point."

Applicants respectfully submit that the Office has not explained how Norman's "...information indicating to any access points which are within receiving range of the broadcast that the particular mobile unit is seeking to register with an access point..." teaches or suggests Applicants' claim feature "...receiving via the communication link a

message comprising call routing information;....” For example, Applicants respectfully submit that Applicants’ “...message comprising routing information....” is patentably distinct from a packet that includes “information indicating ... that [a] particular mobile unit is seeking to register with an access point.” Applicants further respectfully submit that there is nothing in the cited portion of Norman that teaches “...receiving via the communication link a message comprising call routing information;....” Indeed, as discussed above, the Office has not shown where Norman teaches or suggests “call routing”, let alone Applicants’ claim feature “call routing information”. Applicants respectfully submit that, to the extent the Office is suggesting that routing of packets, as allegedly taught by Norman, teaches routing of a call, “call routing” is quite different from and patentably distinct from the mere routing of a packet. If the Office wishes to maintain the rejection, Applicants respectfully request that the Office provide a specific identification of the elements of the cited art that teach all of the elements of this aspect of Applicants’ claim 22, and include an explanation of how and why the Office interprets the cited portion(s) of the cited art to teach Applicants claim feature. As previously noted, the Office cites only Norman in regard to the rejection of Applicants’ feature “receiving via the communication link a message comprising call routing information;” and has not asserted that Chu teaches the above-identified deficiencies of Norman. Therefore, Applicants respectfully submit that the Office has not shown that the proposed combination of Norman and Chu teach or suggest at least “...receiving via the communication link a message comprising call routing information;...”, and that the cited art does not render claim 22 unpatentable for at least these reasons.

In addition, the Office seems to assert that this same portion of Norman addressed above, namely, column 16, line 61 to column 17, line 7, teaches Applicants’ feature “...selecting a [call] route based upon the call routing information;....” See Office action at page 2. Applicants respectfully disagree. The cited portion of Norman fails to make any mention of “selecting” anything, let alone selecting a “call route” as in

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Applicants' claim 22. Therefore, Applicants respectfully submit that the cited portion of Norman does not teach at least this aspect of Applicants' claim 22.

The Office also states that Norman at column 20, lines 3-14 also teaches "...selecting a route based upon the call routing information;...." Applicants again respectfully disagree. The cited portion of Norman at column 20, lines 3-14 is shown below, in context and underlined:

FIG. 12 illustrates the routine executed by the processor 56 in each access point 42 in order to update the contents of the "current location" table, beginning in step 148. Following step 148, the processor 56 proceeds to step 150 where it checks whether a current location information packet has been received from one of the access points 42. If not, the processor 56 continues to loop through step 150. If yes, the processor 56 temporarily stores the packet in the memory 58 and proceeds to step 152. The processor 56 in step 152 reads the data in the data field of the current location information packet to determine which mobile unit locations are being updated. Next, in step 154 the processor 56 identifies the location of the mobile units MU identified in the data field by looking to the source routing information. As previously discussed above, by reversing the order of the source routing information in the broadcast current location information packet, the location of the mobile units MU relative to the receiving access point 42 can be ascertained. Thereafter, the processor 56 proceeds to step 156 in which it updates the mobile unit and location information in the "current location" table stored in the memory 58. If it is the first time location information on a mobile unit MU has been received by the access point, the processor 56 will create a new entry in the table. Otherwise, the processor 56 simply rewrites the old entry with the updated location information. Following step 156, the processor 56 returns to step 150.

The cited portion of Norman simply describes the steps of a routine to update a "current location table" using a "current location information packet". The "processor 56" loops while checking whether a "current location information packet" has been received

from an access point. If so, the “processor 56” determines which mobile unit locations are being updated. While Norman mentions “source routing information”, this is used to determine the location of the mobile unit relative to the receiving access point. This portion of does not, however, make any mention of “selecting” anything, let alone “...selecting a call route based upon the call routing information;...”, as recited by Applicants’ claim 22. Applicants respectfully note that the rejection simply repeats a portion of Applicants’ claim 22, and the cited portion of Norman, but does not explain how the cited portion teaches or suggests this aspect of Applicants’ claim 22. Further, as previously noted, the Federal Circuit has made clear that “rejections on obviousness cannot be sustained with mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” The Office has provided only a conclusion, and has not provided the “articulated reasoning” required to “support the legal conclusion of obviousness.” Again, Applicants appreciate recognition by the Office that Norman does not disclose “...a communication link where a message requests routing of a call; selecting a call route; or requesting setup of the call....” (emphasis in original) *Id.* at page 3. Applicants have shown above, however, that Chu does not, in fact, overcome the admitted shortcomings of Norman. Therefore, Applicants respectfully submit that the proposed combination of Norman and Chu does not teach or suggest, at least, “...selecting a route based upon the call routing information;...” for at least these additional reasons.

With regard to the portion of Applicants’ claim 22 that recites “...transmitting via the communication link a message requesting setup of the call using the selected call route...”, the Office identifies only Norman, at col. 16, line 61 to column 17, line 7, as teaching this aspect of Applicants’ claim 22. See Office action at page 3. Applicants respectfully disagree that Norman and/or Chu teach this aspect of Applicants’ claim 22. The cited portion of Norman was previously addressed above, and is reproduced again here:

Turning now to FIG. 10, the registration procedure from the perspective of each of the access points 42 will now be described beginning with step 120. The registration routine is executed by the processor 56 in the access point. In step 122, the processor 56 determines whether a "find router" packet has been received via the RF section 60 from a mobile unit as discussed above in connection with step 102 in FIG. 9. If not, the processor 56 executes a loop around step 122 until such time as a "find router" packet is received. When a "find router" packet is received in step 122, the processor 56 proceeds to step 124 whereby the access point 42 transmits a "router identification" via the RF section 50 as discussed above in connection with steps 104 and 106 in FIG. 9. The mobile unit MU will then send a registration request if it wishes to register with that particular access point 42. The processor 56 determines in step 126 whether it has received a registration request.

(emphasis added)

As previously noted, the passage of Norman shown above, which includes the portion cited by the Office, simply describes a "registration procedure" as illustrated in Fig. 10 of Norman in which an "access point" determines whether a "find router" packet has been received from a "mobile unit". If a "find router" packet has not been received, the "access points" simply keeps checking until a "find router" packet is received. If a "find router" packet is received, the "access point" transmits a "router identification" packet. The "mobile unit" then sends a "registration request" if it wishes to register with the "access point". Applicants respectfully submit that the Office seems to suggest that the portion of Norman that states "...When a "find router" packet is received in step 122, the processor 56 proceeds to step 124 whereby the access point 42 transmits a "router identification" via the RF section 50 ..." teaches Applicants' "...transmitting via the communication link a message requesting setup of the call using the selected call route...." Applicants respectfully disagree. Applicants respectfully submit that the mere disclosure that an "access point" transmits "router identification" does not teach or suggest "...transmitting via the communication link a message requesting setup of the

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call using the selected call route...”, as recited by Applicants’ claim 22. Applicants respectfully submit that “a message requesting setup of the call using the selected call route” is quite different and patentably distinct from a message containing simple “router identification”, and that Norman does not teach or suggest at least this aspect of Applicants’ claim 22. Further, the Office cites only Norman in this regard, and does not assert that any portion of Chu teaches this aspect of Applicants’ claim 22. Therefore, Applicants respectfully submit that the proposed combination of Norman and Chu does not teach or suggest, at least, Applicants’ feature “...transmitting via the communication link a message requesting setup of the call using the selected call route...”, for at least the reasons set forth above.

Therefore, for at least the reasons set forth above, Applicants respectfully submit that the Office has not shown that the proposed combination of Norman and Chu teaches all of the elements of Applicants’ claim 22, that the Office has not met the requirements of M.P.E.P. §2142 with regard to the establishment of a *prima facie* case of obviousness, and that claim 22 is allowable over Norman and Chu, for at least these reasons. Applicants respectfully submit that claims 23-37 depend from allowable claim 22, and are also allowable over Norman and Chu, for at least the same reasons. Accordingly, Applicants respectfully request that the rejection of claims 22, 23, and 25-31, under 35 U.S.C. §103(a) be reconsidered and withdrawn.

With regard to independent claim 65, Applicants respectfully submit that claim 65 was rejected for the same reasons based upon the same cited portions of Norman and Chu used for the rejection of claim 22, and is allowable over the proposed combination of references for at least the reasons set forth above with respect to claim 22. Because claims 66-81 depend from allowable independent claim 65, Applicants respectfully submit that claims 66-81 are also allowable, for at least the same reasons. Accordingly, Applicants respectfully request that the rejection of claims 65, 66, 68-74, and 81 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

With regard to independent claims 38, 82, and 102, Applicants respectfully submit that independent claims 38, 82, and 102 were rejected for reasons substantially the same as those asserted in the rejections of claims 22 and 65, relying on support from the same cited portions of Norman and Chu used for the rejection of claim 22, and that claims 38, 82, and 102 are allowable over the proposed combination of references for at least the reasons set forth above with respect to claim 22. Because claims 39-57, 83-101, and 103-121 depend from allowable independent claims 38, 82, and 102, Applicants respectfully submit that claims 39-57, 83-101, and 103-121 that depend, respectively, from claims 38, 82, and 102 are also allowable over Norman and Chu, for at least the same reasons. Accordingly, Applicants respectfully request that the rejection of claims 38, 39, 41-50, 82, 83, 85-94, 102, 103, and 105-114 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

II. The Proposed Combination Of Norman, Chu, And Wadin Does Not Render Claims 24, 34-37, 40, 53-57, 59, 60, 67, 77-79, 84, 97-101, 104, And 117-121 Unpatentable

Claims 24, 34-37, 40, 53-57, 59, 60, 67, 77-79, 84, 97-101, 104, and 117-121 were rejected under 35 U.S.C. §103(a) as being unpatentable over Norman in view of Chu, and further in view of Wadin. Applicants respectfully submit that claims 24 and 34-37, claims 40 and 53-57, claims 67 and 77-79, claims 84 and 97-101, and claims 104 and 117-121 depend directly or indirectly from independent claims 22, 38, 65, 82, and 102, respectively. Applicants respectfully submit that independent claims 22, 38, 65, 82, and 102 are allowable over the proposed combination of references, in that Wadin does not remedy the deficiencies of Norman and Chu, set forth above. Because claims 22, 38, 65, 82, and 102 are allowable over the proposed combination of Norman, Chu, and Wadin, Applicants respectfully submit that claims 24, 34-37, 40, 53-57, 59, 60, 67, 77-79, 84, 97-101, 104, and 117-121 that depend therefrom are also allowable, for at least the same reasons. Accordingly, Applicants respectfully request that the rejection

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of claims 24, 34-37, 40, 53-57, 59, 60, 67, 77-79, 84, 97-101, 104, and 117-121 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

III. The Proposed Combination Of Norman, Chu, And Spiegel Does Not Render Claims 32, 33, 37, 51, 52, 58, 75, 76, 80, 95, 96, 115, and 116 Unpatentable

Claims 32, 33, 37, 51, 52, 58, 75, 76, 80, 95, 96, 115, and 116 were rejected under 35 U.S.C. §103(a) over Norman in view of Chu and Spiegel.

With respect to independent claim 58, Applicants respectfully submit that claim 58 recites features similar in some ways to those recited by claim 22. Initially, Applicants respectfully submit that the rejection of claim 58 fails to address all of the features of claim 58, and that the Office has, therefore, failed to establish a *prima facie* case of obviousness, for at least that reason.

Further, to the extent that claim 58 recites aspects of the claim 22, Applicants respectfully submit that claim 58 is allowable over the proposed combination of Norman, Chu and Spiegel, in that the Office has failed to show where Spiegel overcomes the deficiencies in the teachings of Norman and Chu, set forth above. Because claims 59-64 depend from allowable claim 58, Applicants respectfully submit that claims 59-64 are also allowable over the proposed combination of Norman, Chu and Spiegel as well.

With regard to dependent claims 32, 33, 37, 51, 52, 75, 76, 80, 95, 96, 115, and 116, Applicants respectfully submit that claims 32, 33, and 37, claims 51 and 52, claims 75, 76, and 80, claims 95 and 96, and claims 115 and 116 depend, respectively, from independent claims 22, 38, 65, 82, and 102. Applicants respectfully submit that independent claims 22, 38, 65, 82, and 102 are allowable over the proposed combination of references, in that Spiegel does not overcome the demonstrated shortcomings of Norman and Chu, set forth above. Because claims 32, 33, 37, 51, 52, 75, 76, 80, 95, 96, 115, and 116 depend from allowable claims 22, 38, 65, 82, and 102, Applicants respectfully submit that claims 32, 33, 37, 51, 52, 75, 76, 80, 95, 96, 115, and 116 are also allowable over Norman, Chu, and Spiegel, for at least the same

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reasons. Accordingly, Applicants respectfully request that the rejection of claims 32, 33, 37, 51, 52, 58, 75, 76, 80, 95, 96, 115, and 116 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

Conclusion

In general, the Office Action makes various statements regarding the claims and the cited references that are now moot in light of the above. Thus, Applicants will not address such statements at the present time. However, the Applicants expressly reserve the right to challenge such statements in the future should the need arise (e.g., if such statements should become relevant by appearing in a rejection of any current or future claim).

The Applicants believe that all of pending claims 22-102 are in condition for allowance. Therefore, allowance of claims 22-102 is respectfully requested.

The Commissioner is hereby authorized to charge any fees required by this submission to the Deposit Account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

Should the Examiner disagree or have any questions regarding this submission, the Applicants invite the Examiner to telephone the undersigned at (312) 775-8000 to resolve any issues.

Respectfully submitted,

Dated: March 16, 2009
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By /Kevin E. Borg/
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